

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

Case No. 3:17-CR-00070-LRH-WGC

4 Plaintiff,

5 v.

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER

6 ISRAEL ALVAREZ-SUAREZ,

7 Defendant.

8  
9 FINDINGS OF FACT AND CONCLUSIONS OF LAW

10 1. This Court held a Status Hearing on August 9, 2018. Present for the hearing were  
11 Assistant United States Attorney Sue Fahami, counsel for the United States, and appearing by  
12 telephone, Assistant Federal Public Defender Sylvia Irvin, counsel for Defendant Israel Alvarez-  
13 Suarez.

14 2. On January 4, 2018, this Court ordered Mr. Alvarez-Suarez be transferred to a  
15 suitable Bureau of Prisons facility to determine his mental competency to stand trial pursuant to  
16 18 U.S.C. § 4241(d). ECF No. 28. Following the BOP evaluation, this Court ordered the BOP  
17 issue a report. *See id.*

18 3. This Court and counsel have reviewed the BOP's Forensic Report dated June 15,  
19 2018. The BOP Forensic Report states that Mr. Alvarez-Suarez suffers from a mental disease or  
20 defect and is incompetent to stand trial. As discussed at the August 9, 2018 status hearing, counsel  
21 agree that Mr. Alvarez-Suarez is incompetent and that the requirements of 18 U.S.C. § 4246 are  
22 triggered.

23 4. This Court agrees and finds that Mr. Alvarez-Suarez is incompetent to stand trial.

24 5. Consequently, pursuant to 18 U.S.C. § 4246(a), this Court finds that the BOP shall  
now determine whether Mr. Alvarez-Suarez is currently suffering from a mental disease or defect

1 for which his release would create a substantial risk of bodily injury to another person or serious  
2 damage to property. Following that evaluation, the BOP must then submit to this Court a  
3 certificate addressing Mr. Alvarez-Suarez's dangerousness. *See* 18 U.S.C. § 4246(a), (d). Upon  
4 receipt and review of the BOP's determination as to Mr. Alvarez-Suarez's dangerousness, this  
5 Court will set a hearing as required by 18 U.S.C. § 4246(c), (d), § 4247(d).

6 ORDER

7 IT IS ORDERED, that based on the June 15, 2018 BOP Forensic Report regarding  
8 defendant Israel Alvarez-Suarez's mental incompetency, and counsels' agreement that Israel  
9 Alvarez-Suarez is incompetent, the Court hereby orders Mr. Alvarez-Suarez to remain in the  
10 custody of the Bureau of Prisons for the purpose of evaluating whether he is suffering from a  
11 mental disease or defect as a result of which his release would create a substantial risk of bodily  
injury to another person or serious damage to the property.

12 IT IS FURTHER ORDERED, that after completion of the evaluation, the Bureau of  
13 Prisons shall submit to this Court a certificate conveying its determinations as to dangerousness.  
14 This Court requests the Bureau of Prisons conduct this evaluation as soon as is practicable.

15 IT IS FURTHER ORDERED that a copy of this Order be submitted to the Bureau of  
16 Prisons.

17 IT IS SO ORDERED.

18 Dated this 13<sup>th</sup> day of August, 2018.

19   
20 HONORABLE LARRY R. HICKS  
21 UNITED STATES DISTRICT JUDGE  
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